

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

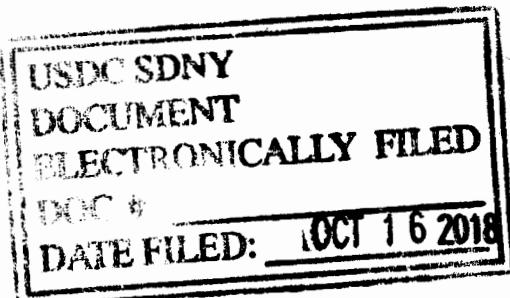
DAVID BRAY,

Plaintiff,

-against-

PURPLE EAGLE ENTERTAINMENT, and
RICHARD MGRDECHIAN,

Defendants.



MEMORANDUM DECISION
AND ORDER

18 Civ. 5205 (GBD) (HBP)

GEORGE B. DANIELS, United States District Judge:

Plaintiff David Bray brings this action asserting various causes of action against Defendant Purple Eagle Entertainment, Inc. and its principal, Defendant Richard Mrgdechian, arising from Bray's employment as a member of Madison Rising, a rock band created and funded by Defendants. (See Compl., ECF No. 1.) The action was referred to Magistrate Judge Henry B. Pitman for general pretrial management and dispositive motions. (ECF No. 16.) Before this Court is Magistrate Judge Pitman's September 27, 2018 Report and Recommendation, (the "Report," ECF No. 38), recommending that Defendants' motion to dismiss the original complaint, (ECF No. 10), and Defendants' motion to strike certain allegations from that complaint, (ECF No. 12), be denied as moot in light of the filing of an amended complaint.¹ (Report at 1 (citing Am. Compl., ECF No. 19).)

In his Report, Magistrate Judge Pitman informed the parties that the failure to file timely objections would constitute a waiver of those objections on appeal. (Report at 2.) No objections have been filed. Accordingly, the Report is reviewed clear error. *See Edwards v. Fischer*, 414 F. Supp. 2d

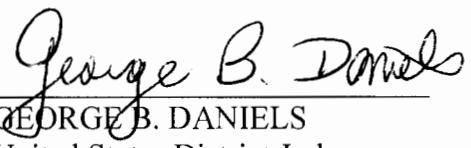
¹ Defendants have now filed motions to dismiss, (ECF No. 21), and to strike, (ECF No. 23), directed at the amended complaint.

342, 346–47 (S.D.N.Y. 2006). The Report correctly found that the original complaint was superseded by the filing of the amended complaint. (Report at 1.)

The Report is ADOPTED. Defendants' motion to dismiss, (ECF No. 10), and Defendants' motion to strike certain allegations from, the original complaint, (ECF No. 12), are DENIED as moot, without prejudice to the motions directed to the amended complaint.

Dated: October 16, 2018
New York, New York

SO ORDERED.


GEORGE B. DANIELS
United States District Judge